

Message Text

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PAGE 01 STATE 252094

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INFO OCT-01 ISO-00 OES-01 /004 R

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DRAFTED BY: ARA/NC/C:DWCOX

APPROVED BY: ARA/NC:FJDEVINE

OES/OFA:NSCHOWENBERDT SUBS

ARA/PAN:DPEASHOCK SUBS

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O 231411Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA IMMEDIATE

AMEMBASSY PANAMA IMMEDIATE

UNCLAS STATE 252094

REF: STATE 250196 BOGOTA 10209

FOLLOWING REPEAT COAST GUARD DTG 212355Z ACTION SECSTATE
INFO CCGDSEVEN MIAMI COMLANTAREA NY DEPT OF JUSTICE COMMCUSTOMS
INS WASH NMCC WASHDC CNO THE WHITE HOUSE
DEA WASH EPIC INTEL CEN ELPASO JVS DEPT OF TRANSPORTATION

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LAW ENFORCEMENT F/V YELLOW FIN

A. YOUR 250128/212111Z OCT 75 NOTAL

B. AMEMBASSY BOGOTA 10116/211806Z OCT 75 NOTAL

1. IN VIEW OF POSSIBLE CONFLICT OF INTEREST BETWEEN PANAMA AND
COLOMBIA IN THIS CASE AS DISCLOSED BY REFS, AND SUBSEQUENT
DESIRABILITY OF AVOIDING APPEARANCE OF PREMATURELY FAVORING ONE OF
THOSE GOVERNMENTS, COAST GUARD PROPOSES THE FOLLOWING PLAN OF
ACTION AND REQUESTS YOUR CONCURRENCE:

A. TAKE CUSTODY OF SUBJ VESSEL AND ITS CREW;
B. DETAIN VESSEL AND CREW IN MIAMI UNTIL FINAL RESOLUTION OF ITS
NATIONALITY;

C. COAST GUARD, ALONG WITH DEA AND CUSTOMS, DEVELOP THOROUGH
LITIGATION REPORT CONCERNING PARTICIPATION OF VESSEL AND CREW IN
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PAGE 02 STATE 252094

ILLICIT DRUG TRAFFIC;

D. UPON RESOLUTION OF NATIONALITY QUESTION, PRESENT LITIGATION
REPORT TO TRUE FLAG STATE;

E. EXTRADITE VESSEL AND CREW TO FLAG STATE IF REQUESTED.

2. DURING DETENTION IN MIAMI, VESSEL WOULD REMAIN IN COAST GUARD
CUSTODY AND CREW WOULD BE IN CUSTODY OF INS.

3. THIS ACTION WOULD NOT RPT NOT CONSTITUTE A SEIZURE FOR VIOLATION
OF US LAW. IT WOULD BE AN EXERCISE OF JURISDICTION UNDER ARTICLE 6
OF THE 1958 CONVENTION ON THE HIGH SEAS OVER A VESSEL WHICH IS
ASSIMULATED TO A FLAGLESS VESSEL BECAUSE: (1) IT HAS WRONGFULLY
USED THE FLAGS OF TWO STATES (US AND PANAMA); (2) I HAS
INDICATIONS OF MULTIPLE REGISTRY (PANAMA AND COLOMBIA); AND
(3) IT HAS FAILED TO PRODUCE ANY DOCUMENTATION OF REGISTRY.

4. FOR PURPOSES OF COMPELLING COMPLIANCE WITH ORDERS OF
DETAINING OFFICIALS, VESSEL AND CREW WOULD BE TREATED THE SAME
AS IF VESSEL WERE BEING SEIZED FOR VIOLATION OF US NARCOTICS LAWS.
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